

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER SCHWARTZ,

Plaintiff,

Case No. 14-cv-11587
Hon. Matthew F. Leitman

v.

RYAN HILL, *et al.*,

Defendants.

ORDER DISMISSING ACTION WITHOUT PREJUDICE

On April 22, 2014, Plaintiff Christopher Schwartz (“Schwartz”) filed an action against Defendants Ryan Hill, Bob Woodward, and Antonio Carlisi. (*See* Compl., ECF #1.) On May 18, 2016, Schwartz’s attorney filed a Suggestion of Death with the Court in which he stated “it appears that Plaintiff, Christopher Schwartz passed away on March 31, 2016.” (*See* ECF #56 at 1, Pg. ID 401.)

Rule 25(a) of the Federal Rules of Civil Procedure provides, in pertinent part, that

[i]f a party dies and the claim is not extinguished . . . [a] motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Thus, under Rule 25(a), “any party” or Schwartz’s “successor or representative” was required to file a motion to substitute the proper party in this action no later than August 8, 2016 (90 days from when the Suggestion of Death was filed on May 18, 2016). August 8 has now passed and no one (including Schwartz’s attorney) has filed a motion for substitution of the proper party in this action.

Accordingly, **IT IS HEREBY ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 10, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 10, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113